

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court for review of an amended complaint filed by plaintiff DeShawn St. Clair. For the reasons explained below, this action will be dismissed, without prejudice.

Plaintiff is proceeding herein pro se and in forma pauperis. He initiated this civil action on March 1, 2019 against TransUnion, a credit reporting agency. In setting forth his claim for relief, plaintiff wrote:

My credit was damaged over the past few months. From failure to comply under the FCRA. It caused emotional stress, due to me wanting to purchase a vehicle & new home.

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I claim 10,000,000 in punitive damages for violation of the Fair Credit Reporting Act for not responding after first 30 days.

Upon initial review, the Court determined that the complaint was subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2), because plaintiff failed to state a viable claim under the Fair Credit Reporting Act or any other viable claim for relief. In consideration of plaintiff's *pro se* status, the Court gave him the opportunity to submit an amended complaint. In so doing, the Court clearly explained why the complaint was subject to dismissal, gave plaintiff clear

instructions about how to prepare the amended complaint, and warned him that his case would be dismissed if he failed to file an amended complaint as instructed.

Plaintiff timely filed an amended complaint. However, there are no substantive differences between it and the original complaint. Instead, plaintiff sets forth verbatim the same allegations that the Court previously explained were insufficient to state a viable claim against the defendant. Having carefully reviewed and liberally construed the amended complaint, the Court concludes that it fails to state any plausible or viable claim for relief. The Court also determines that allowing plaintiff to amend a second time would be futile, in that he failed to follow any of the Court's instructions when previously allowed to do so.

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 2nd day of May, 2019.

/s/ Jean C. Hamilton

JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE